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tion were politely berated for not having had a proper investigative plan. The Warren Commission was properly criticized for an investigation which asked, in essence, who was the assassin and what was Oswald's motive? One hopes that the Select Committee's plan would not reveal any comparable prejudice, but one wonders whether it would reveal neglect of such areas as possible frame-up or Dallas police involvement.

In the absence of the Select Committee's investigative plan, the report itself appears to suggest that some questions were examined in the wrong context. For example, even before the Warren Commission began its investigation, there were rumors that Oswald had some relationship with a federal agency (such as an informant relationship with the FBI). The report argues that Oswald was not an FBI or CIA informant in its section exculpating those agencies and the Secret Service of any involvement in the assassination. But the point that critics have made over many years is that Oswald's possible relationship with a U.S. agency should be studied in the context of the postassassination behavior of those agencies. While the Select Committee criticized many aspects of the postassassination investigation, there is no indication that it gave serious consideration to the possibility that the defective investigation was influenced by a covert relationship to Oswald. As critics have pointed out, it would be ludicrous to assume that a federal agency *involved* in the assassination would employ one of its informants for the task—or eagerly implicate that informant as the lone assassin. A more plausible scenario would involve someone outside the agency who knew of Oswald's informant status and spotted him as a perfect patsy, in that the informant relationship would inhibit a proper postassassination investigation.

The report's rigid structure also tends to highlight any deviations from its finding-and-text format. One anomaly involves findings without text. The Select Committee voted to include findings that the FBI properly investigated Oswald before the assassination and that both the FBI and Warren Commission "conducted a thorough and professional investigation" into Oswald's guilt. There is not a word of text in support of these findings. These are the only sections where the report departs from the format of finding followed by text. In the case of the FBI there is not even a staff report on the subject. Could the staff not provide documented support for the finding?

A second anomaly is the appearance in the report of text which does *not* relate to a finding. In the section dealing with the CIA, much of the text relates to military intelligence; but the report's finding exculpates only the FBI, CIA, and Secret Service. In short, there is a provocative discussion of one U.S. intelligence service whose innocence is *not* explicitly affirmed in the findings. A close reading of the staff reports strengthens the view that suspicion in the area of military intelligence is one of the Select Committee's hidden messages. In the next chapter, we will address some of the unresolved doubts in the sensitive area of intelligence agencies and the assassination.

In conclusion the perspective or bias of the Committee is that which might have been predicted, with or without special knowledge of the political and national security constraints which conditioned the work of the Warren Commission fourteen years earlier. The Select Committee's report, and above all its staff reports, are most lucid and penetrating when dealing with subjects—such as the acoustical evidence and organized crime—which are most marginal to federal U.S. government and intelligence operations. They are most inhibited when dealing directly with U.S. security and intelligence matters.

One important example of this bias, as we shall see, is their one-sided, and hence distorted, portrait of Jack Ruby. Whereas the Warren Report systematically downplayed Ruby's visible connections to organized crime, the House Select Committee report has focussed on this aspect of Ruby's complex career, while understating other aspects, such as his role as an informant for law-enforcement agencies. Indeed the report's only extended discussion of Jack Ruby, including its limited but still useful section on "Ruby and the Dallas Police Department" (which does not even mention Ruby's informant activities, AR 156-58), is in support of its finding "that the national syndicate of organized crime, as a group, was not involved in the assassination."

To some extent, inevitably, the perspective and bias of the Committee are reflected in our summary of their most important work. The third part of this book will suggest a context for their most valuable new evidence, in the areas of Cuban exile activities and organized crime. Like the Committee itself, it has little new to say about the unsolved mysteries of Oswald's career, and the possibility that at one time or another he may have played an intelligence role. The new rays of light have not spread equally to all areas.

But there is a bottom line to our mixed evaluation of the Committee's performance. There can be no doubt that, as a result of the Committee's work, we can understand the case in its full dimensions far better than ever before. The Committee did not only establish that there was a conspiracy, it also assembled evidence indicating that the backgrounds of both Oswald and Ruby were sensitive enough to help explain the initial cover-up.

Chapter 7

MILITARY INTELLIGENCE: THE MISSING ACQUITTAL

A forty-five page chunk of the Select Committee's report appears under the finding "The Secret Service, Federal Bureau of Investigation, and Central Intelligence Agency were not involved in the assassination of President Kennedy" (AR 181). A thirty-page subsection on the CIA includes a significant six-page digression on the mysterious activities of Defense Department intelligence agencies in relation to the assassination and Lee Harvey Oswald (AR 219-25). A concluding paragraph offers a terse amplification of the finding exculpating the Secret Service, FBI, and CIA of any involvement in the assassination. Despite the long di-

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gression on military intelligence, there is not a word to admonish the reader to presume innocence when contemplating the curious behavior of the Defense agencies. Questions and suspicions seem to be left deliberately in the reader's mind. And, off the record, at least three Committee sources have cryptically confirmed their lingering doubts in the area of military intelligence.

The unanswered questions are in three broad categories: (1) Oswald's defection to the Soviet Union; (2) the role of army intelligence agents in Dealey Plaza on November 22, 1963; and (3) the role of army intelligence in providing postassassination information and misinformation on Oswald. As noted above in chapter 5, there are hints in FBI and CIA files that those agencies may have suspected that Oswald was at some time working for another federal agency. A post-assassination FBI memo, for example, regretted the Bureau's failure to put a stop on the defector's passport "particularly since we did not know definitely whether or not he had any intelligence assignments at that time." (As has been noted elsewhere, only U.S. intelligence assignments would have mitigated, rather than strengthened, the FBI's need to keep track of Oswald's movements.) Similarly, a CIA case officer involved in anti-Castro plots told the Schweiker-Hart Committee that "he does not know to this day that Oswald had any pro-Castro leanings." The Select Committee's investigation has produced new CIA testimony consistent with the possibility that Oswald was—or was believed to be—involved with military intelligence at the time of his defection.

The deputy chief of the CIA's Soviet Division (who had testified chiefly about the Soviet defector Nosenko) cast light on the CIA's failure to assess the potential damage from Oswald's defection after his Marine Corps service at a U-2 base. According to this testimony, it was the responsibility of the Office of Naval Intelligence to determine what sensitive information Oswald possessed (12 AH 626). But the CIA's failure to make a damage assessment constituted only half the puzzle. The Select Committee questioned former CIA director Richard Helms about the other half: why the CIA didn't try to debrief Oswald when he returned from his abandoned defection. Although the Committee didn't press Helms on the issue, it was aware of a CIA memo indicating that contact with Oswald had been considered (contrary to Helms's testimony before the Warren Commission). But the CIA told the Committee that between 1958 and 1963 it "relied upon the FBI to make such contacts and report any significant results" (AR 209). Surprisingly, Helms gave a different explanation in his testimony.

Under questioning by Congressman Fithian about whether a defector's return would have normally triggered a CIA interview in 1962, Helms replied:

Normally, it would have, except that he would have been regarded by the Agency as a member or a reserve member from the Defense Department and therefore it would have been up to the Navy to take him over and talk to him [4 AH 178].

Helms repeated this explanation under questioning by senior staff counsel Michael Goldsmith:

Mr. Goldsmith: Would standard operating procedure have called for Oswald to have been debriefed?

Mr. Helms: I would not have thought so, Mr. Goldsmith. I think that the standard operating procedure after he returned to the United States would have been for the Navy to debrief him.

Mr. Goldsmith: Why is that, sir?

Mr. Helms: Because he had been a member of the Marine Corps, and I believe he stayed in the Marine Reserve, if I am not mistaken. But in any event, the understanding were that military officers were handled by the intelligence organs of the Defense Establishment (4 AH 184).

(In fact, Oswald had been given an undesirable discharge from the Marine Corps Reserve on August 17, 1960; shortly before his return to the United States in 1962, he wrote to the Marine Corps seeking a review of the discharge.)

Helms was not asked in the public hearings whether the CIA ever suspected that Oswald had been in the Soviet Union on a mission for military intelligence. But there is indirect evidence that the Select Committee was well aware of this possibility. Private researchers turned up evidence that until around 1958 all U.S. agents in the Soviet Union, such as false defectors, were controlled by the military intelligence agencies. Despite the transfer of responsibility to the CIA around 1958, it remains a distinct possibility that the Department of Defense was reluctant to yield control of this crucial intelligence-gathering capacity to a rival agency. In short, it might have continued planting a few agents from time to time—without admitting to the CIA that it was ignoring the official bureaucratic guidelines delineating responsibilities and prerogatives. Helms and the CIA might have suspected a little cheating in the grand arena of interagency competition.

If Oswald were involved in an unauthorized intelligence mission, sponsored by a Defense agency but kept secret from the rest of the intelligence community, many mysteries could be explained. Such an association would not implicate the U.S. military in the Kennedy assassination. On the contrary, any agency which decided to murder the president of the United States would presumably not choose an assassin who could ever be traced to its doorstep. But a supersecret link between Oswald and a covert military intelligence mission would explain the curious behavior of many agencies in the postassassination investigation.

A researcher who passed on this speculation to a Select Committee staff member found—much to his surprise—that the Committee not only knew about the early Defense Department control of planted defectors, but apparently had discussed the issue widely enough for staff members who were not working primarily on intelligence matters to be aware of the implications. In this context, the Select Committee's specific failure to preclude the possibility that Oswald did have ties to

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military intelligence assumes added significance.

21 The Committee's inability to resolve its doubts in this important area resulted in large part from the Defense Department's bizarre disclosure that it had routinely destroyed in 1973 an Oswald file that was never examined by the Warren Commission or any other non-military investigator. According to the report, "The committee found this 'routine' destruction of the Oswald file extremely troublesome, especially when viewed in light of the Department of Defense's failure to make this file available to the Warren Commission. . . . without access to this file, the question of Oswald's possible affiliation with military intelligence could not be fully resolved" (AR 224).

But the situation is even worse than the Select Committee indicates. Back in March 1964, a Warren Commission staff lawyer, Samuel Stern, realized that the Commission's initial routine request for all preassassination Defense Department files on Oswald had not prompted full Pentagon compliance. Stern wrote a rather blunt letter, to which the Defense Department replied five days later that all known material on Oswald had been furnished to the Commission. The statement was clearly false: The only matter for debate is the number and nature of files Defense may have been withholding.

In the fall of 1977, in response to suits by Warren Commission critics Harold Weisberg and others, the FBI began releasing over a hundred thousand pages from its files on the Kennedy assassination. Some of these documents revealed that Army Intelligence in Texas had a preassassination file on Oswald. Although this file had been destroyed, the Select Committee did discuss it with someone they considered a credible witness—Lt. Col. Robert E. Jones.

Jones gave the FBI detailed information on Oswald on the day he was arrested in Dallas. According to the committee, "This information suggested the existence of a military intelligence file on Oswald and raised the possibility that he had intelligence associations of some kind. The Committee's investigation revealed that . . . he was perceived as a possible counterintelligence threat" (AR 221-2). Jones told the committee his Oswald file contained documents and newspaper clippings; his recollection was that the file was opened in mid-1963 in response to information from the New Orleans Police Department about Oswald's Fair Play for Cuba Committee activities. Immediately after the assassination, Jones went to his office at Fort Sam Houston, near San Antonio, and contacted Military Intelligence Group personnel in Dallas and "instructed them to intensify their liaisons with federal, state and local agencies and to report back any information obtained" (AR 222).

The Select Committee not only described Jones as a credible witness; it also chose to disregard documents which are in conflict with his present recollection. In a footnote, the Committee states, "Questions had been raised about the contents of some FBI communications on November 22, 1963, that reflected information allegedly provided by military intelligence. In his testimony, Jones clarified several points and corrected several errors in these communications." Since his own files are destroyed, there is no means of testing Jones's

testimony against his own documentary records.

One crucial question concerns what Army Intelligence knew about the alleged Oswald alias "A. J. Hidell"—the name under which the Mannlicher-Carcano rifle was purchased. The report states that early on the afternoon of the assassination Jones "received a telephone call from Dallas advising that an A. J. Hidell had been arrested or had come to the attention of law enforcement authorities." It concludes that Jones found the name Oswald when checking a file that linked Oswald and Hidell. Jones now testifies that his indices "indicated there was a file on Lee Harvey Oswald, also known by the name A. J. Hidell" (AR 222). But the known FBI documents make a different point. They suggest that army intelligence learned of Oswald's draft card in the name Hidell within an hour and a half of Oswald's arrest. By promptly citing its file on alleged distribution of "Hands Off Cuba" literature by Hidell, the army quickly produced the name of an apparent political associate of Oswald—prompting the FBI in Washington soon to instruct its field offices to locate Hidell and interview him thoroughly "concerning any knowledge of or possible participation in plot to assassinate the president."

If, as Jones testified, the Army knew that Hidell was not an associate but actually an Oswald alias, they knew something that had escaped the knowledge of all the other intelligence agencies at that time. (In fact, it could only have been known by Oswald and his closest associates—or a conspiratorial control agent.) But if, as seems more likely, his present testimony is in error, a mystery remains as to how Army Intelligence so quickly connected "Hidell" to the assassination—and inspired FBI efforts to track down the possible coconspirator.

The question of the accuracy and extent of the Army's preassassination files on Oswald is particularly significant in light of a dramatic and provocative post-assassination dispatch of misinformation. On the evening of November 24, a cable went from the Army at Fort Sam Houston to the U.S. Strike Command in Florida, which was then on an emergency "red alert." Following up on an earlier phone call, the Army provided background information on the Fair Play for Cuba Committee. The cable then transmitted a false report, allegedly from Assistant Chief Don Stringfellow of the Dallas Police Intelligence Section claiming that "information obtained from Oswald revealed he had defected to Cuba [*sic*, not the USSR] in 1959 and is card-carrying member of Communist party." This cable alone has drawn the attention of many critics to the role of the Army's 112th Intelligence Group in those critical November days when many exile groups hoped that the assassination might be blamed on Castro and might prompt U.S. retaliation.

As we will see in later chapters, military intelligence played its own significant role in the Cuban exile milieu. The Committee found that Army Intelligence, in particular, had had an operational interest in one of the more militant exiles opposing President Kennedy's Cuban policies, Antonio Veciana (who as we shall see

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claimed to have met Oswald before the assassination). It also established (as we shall see) that George de Mohrenschildt, a friend of Oswald with admitted intelligence contacts, had met with Army Intelligence and CIA representatives in Washington on a Caribbean matter in May 1963.

Army Intelligence played a role not only in the Cuban exile community but also in the Dallas drama. In addition, it overlaps with other important groups, such as the Dallas Police Department. Various police officers were also officers of the Army Intelligence Reserve, including Stringfellow's superiors Captain W. P. Gannaway and Deputy Chief George Lumpkin. Specific individuals in Dallas Army Intelligence pop up at crucial points in the unfolding mystery of November 22, 1963: one Army Intelligence agent met with FBI agent James Hosty that morning; another was inside the School Book Depository when the sniper's rifle was found; the head of a local Army Intelligence Reserve unit helped select an interpreter for Marina Oswald's critical early interviews.

Finally, contrary to a previously published report that the 112th Army Intelligence Group was asked *not* to provide routine auxiliary support to the Secret Service on November 22, Colonel Jones has testified to the Select Committee that between eight and twelve military intelligence agents did perform liaison functions with the Secret Service in Dallas on the day of the assassination. Jones indicated that these agents who were providing supplemental security "had identification credentials and, if questioned, would most likely have stated that they were on detail to the Secret Service" (AR 184). These agents could answer many questions about reports of Secret Service personnel in Dealey Plaza at times and in locations which are inconsistent with the established movements of all the Secret Service men in the presidential motorcade. Most importantly, as we have seen, Dallas police officer Joe Marshall Smith reported encountering someone on the grassy knoll who said he was a Secret Service agent and had some credentials (AR 184). The time was just after the assassination. If this grassy-knoll mystery man was indeed an Army Intelligence agent seconded to the Secret Service, his identity is of the greatest importance in the face of the acoustical evidence of a shot from the knoll. One wonders what the Select Committee might have thought about this question—or how it might have treated the matter if its evidence of a knoll shot had been established six months earlier.

In any event, the Select Committee has left us with intriguing ambiguity in the military intelligence area. It found Colonel Jones credible to the point of dismissing documents that contradicted him. Yet in spite of all its assertions about Oswald the authentic Marxist assassin, it would not rule out his possible affiliation with military intelligence to the exile milieu and organized crime; yet as one reads the staff reports one discovers that there are connections between these apparently discontinuous groups. The Committee did not speak of cover-up, but no governmental action seems to have shaken it quite so profoundly as the Defense Department's "routine" destruction of a file on which history had a most compelling claim.

Chapter 8 OSWALD AND NOSENKO: THE TALE OF THE DUBIOUS DEFECTORS

Early in 1978, as Blakey and his staff were beginning to move from preliminary explorations to actual investigative legwork, the Kennedy assassination once again exploded into the headlines—with news of the most widely publicized and extravagantly financed book in the history of the subject. The author was Edward J. Epstein, who had written earlier critiques of the Warren Commission and the Garrison investigation. This time, Epstein's publisher, *Reader's Digest*, had provided seemingly unlimited financial backing for a research undertaking that would track down Lee Harvey Oswald's most obscure Marine Corps acquaintances—with a view to discovering the assumed assassin's secret world and covert intelligence assignments. The result was a tale of *two* dubious defectors—Lee Harvey Oswald, who sped from a U-2 base in Japan to a strange stint in the Soviet Union, and Yuri Ivanovich Nosenko, a KGB official who defected to the CIA just in time to convey the dramatic story that Oswald had no ties to Soviet intelligence. Epstein's book suggested that Nosenko was a double agent—dispatched to cover up Oswald's links to the KGB. This suspicion has been at the heart of the biggest internal controversy in CIA history—and both sides in the dispute would soon unleash a torrent of rhetoric in an effort to persuade the Select Committee to accept or reject Nosenko.

But before analyzing the Committee's handling of the matter, we should review briefly how Epstein treated it in *Legend: The Secret World of Lee Harvey Oswald*. Despite its failure as a biography of Oswald, *Legend* is an intriguing book. It suggests that much of Oswald's visible career following his defection to the Soviet Union in 1959 was the enactment of a "legend"—a false biography, a cover story concocted for Oswald by the KGB after he fell under their control before or during his defection.

A stronger thesis was implied: although Epstein coyly wrote that neither he nor his CIA sources are accusing the KGB of having plotted the assassination, the chapter entitled "Day of the Assassin" (on Oswald) is part of a section called "The Mission."

Epstein assumed that Oswald was guilty as charged in the Kennedy assassination, but he showed no interest in whether Oswald acted alone. His book did shed some new light on Oswald's life with the marines in Japan, and in Russia. Nonetheless, the hypothesis that Oswald was a KGB agent is unconvincingly argued and remains unproven. Epstein never attempted to explain why an undercover KGB agent—especially one on so sensitive a "mission"—would engage in conspicuous left-wing activities, including a radio debate in defense of Castro's Cuba.

A major exhibit in Epstein's case is an entry in Oswald's Russian diary. The entry refers to the subsequent promotion of a U.S. embassy officer, and there is no